

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 953

Short Title: Water and Sewer Boards.

(Public)

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Sponsors: Representative Woodard.

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Referred to: Government.

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March 30, 1989

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW MEMBERS OF WATER AND SEWER AUTHORITIES TO  
2 APPOINT MEMBERS OF THEIR OWN GOVERNING BOARD TO THE  
3 GOVERNING BOARD OF THE AUTHORITY, AND TO ALLOW NONVOTING  
4 MEMBERS OF THE GOVERNING BOARD OF A WATER AND SEWER  
5 AUTHORITY.  
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7 Whereas, there is a concern about whether there is statutory authority for  
8 member governments to appoint members of their own governing boards to the board of  
9 a water and sewer authority, given the common-law rule that a board may not appoint  
10 one of its own members to public offices; and

11 Whereas, there is an interest in allowing the articles of incorporation of a  
12 water and sewer authority to provide for nonvoting members; Now, therefore,  
13 The General Assembly of North Carolina enacts:

14 Section 1. Article 1 of Chapter 162A of the General Statutes is amended by  
15 adding a new section to read:

16 "**§ 162A-3.2. Membership.**

17 (a) Notwithstanding any other provision of law, organizing political subdivisions  
18 of a water and sewer authority may appoint members of their own governing boards as  
19 members of the authority.

20 (b) The articles of incorporation of an authority organized under this Article may  
21 provide that some of the members of the authority are nonvoting members. Any water  
22 and sewer authority organized under this Article may amend its articles of incorporation  
23 with the approval of the governing boards of all the organizing political subdivisions,  
24 except for those which have withdrawn under G.S. 162A-4 and including any which

1 have joined under G.S. 162A-4, so as to provide that some of the members of the  
2 authority are nonvoting members."

3           Sec. 2. This act is effective upon ratification.